

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MICHAEL ADAMS,

Plaintiff,

v.

Civil Action No. 2:17-cv-03127

GARRY GROVES, in his capacity as
VP Human Resources and
Administration at Greenbrier
Minerals, LLC; GREENBRIER
MINERALS, LLC; CLIFF'S LOGAN
COUNTY COAL; JOHN DOE
INDIVIDUALS (1-10); and JOHN
DOE CORPORATIONS (1-10),

Defendants.

MEMORANDUM OPINION AND ORDER

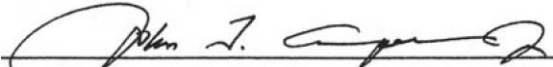
Pending is defendant Cliff's Logan County Coal's ("CLCC") motion to dismiss the complaint, filed June 27, 2017, to which plaintiff Michael Adams ("Mr. Adams") filed a response in opposition on July 20, 2017. Most recently, however, within the parties' Rule 26(f) report filed December 29, 2017, and at the scheduling conference held with the court on January 5, 2018, Mr. Adams' counsel, Steven Wolfe, expressed his agreement that he lacks a plausible claim against CLCC, and that CLCC, represented at the conference by Erin Magee, should be dismissed from this action. Defendants Garry Groves and Greenbrier Minerals, LLC, appearing at the conference by their counsel, Anna Dailey and Kelby Gray, disagree and note that information

produced during discovery may unveil grounds for a cross-claim by them against CLCC.

Be that as it may, the court agrees with Mr. Adams and CLCC that he does not appear to have a plausible claim against CLCC. Accordingly, it is ORDERED that CLCC's motion to dismiss the complaint against it be, and hereby is, granted and plaintiff Adams' claims against CLCC are hereby dismissed without prejudice to the filing of a third-party complaint by Groves and Greenbrier Minerals against CLCC.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and to any unrepresented parties.

ENTER: January 8, 2018


John T. Copenhaver, Jr.
United States District Judge